IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Impalement Application No. 6281 of 2004

In

Civil Contempt Petition No. 191 of 2004

Diwan Singh Rawat …… Petitioner

Versus

1. B.R. Paneru,
   District Inspector of Schools, Almora
2. Dan Singh Rautella,
   Joint Director of Education,
   Kumaon Region, Nainital. ……Respondents.

Mr. Dinesh Chauhan, learned counsel for the petitioner.
Mr. Subhash Upadhyaya, learned Brief Holder for respondents.

Hon'ble Prafulla C. Pant, J.

This is an impalement application moved by the petitioner for impleading a new respondent i.e. District Education Officer, Almora in the array of parties in the writ petition.

Earlier District Education Officer has already field his counter affidavit to the contempt petition and opposite party No.2 has also field its counter affidavit in response to the notices issued by the Court. There is no allegation of disobedience on the part of the new party at this stage.

As such, the application appears to be misconceived and the same is rejected.

I also heard the parties on the contempt petition. The civil contempt petition has been moved complaining the willful disobedience of the order dted 18.05.2004 passed in writ petition No. 501 (S/S) of 2004, whereby it was directed that the

petitioner's case for promotion from Class- IV to Class-III be considered, if he is otherwise eligible.

The counter affidavits filed by the opposite parties show that they have committed no willful disobedience on their part of the reason that this Court has passed an order dated 19.08.2004 in writ petition No. 945 (S/S) of 2004, whereby the examination scheduled to be held for promotion from Class- IV to Class- III posts has been stayed.

In the circumstances, it cannot be said at this stage if any willful disobedience has been committed by either of the opposite parties.

Accordingly the civil contempt petition No. 191 of 2004 is dismissed. The notices are discharged.

(Prafulla C. Pant, J.)

Dt.: 3rd November, 2004
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